

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

<b>(1) Prime Aircraft &amp; Aviation, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Case No. CIV-23- 872-R</b>
	)	
<b>(1) Aerovanti Aircraft LLC</b>	)	
<b>(2) Aerovanti Brokerage, Inc.</b>	)	
<b>(3) Patrick T. Britton-Harr</b>	)	
<b>(4) Aerovanti, Inc.</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S MOTION FOR CLERK’S DEFAULT AGAINST DEFENDANT  
PATRICK T. BRITTON-HARR**

Plaintiff, Prime Aircraft & Aviation, LLC (the “Plaintiff”), for its *Motion for Clerk’s Default Against Defendant Patrick T. Britton-Harr* pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and LCvR55, states as follows:

1. On October 3, 2023, the Plaintiff filed its Complaint (the “Complaint”) [Doc. 1] alleging rescission, breach of contract, material misrepresentation/ fraud in the inducement and fraud against Defendant Aerovanti Aircraft, LLC. (the “Defendant”).
2. On October 9, 2023, the Defendant was validly served with the Summons and Complaint [Doc. 3].
3. Pursuant to Rule 12(a) of the Federal Rules of Civil Procedure, Defendant was required to respond to the Complaint within twenty-one (21) days of being served with the Summons and Complaint. See F.R. Civ. P. 12(a).
4. As a result, the response to Plaintiff’s Complaint was due to be filed on behalf of the Defendant on or before October 30, 2023.
5. Defendant has failed to plead in or defend this proceeding and is in default

under Federal Rule of Civil Procedure 55(a). As such, the matters alleged in the Complaint are deemed true and Plaintiff should be granted an entry of default against Defendant.

6. Defendant is an individual who is neither serving in the military, an infant, nor an incompetent person. See Affidavit as to Military Service and Competency. Exhibit "A" hereto.

7. Accordingly, as Defendant was properly served on October 9, 2023, in compliance with the Federal Rules of Civil Procedure, and more than 21 days have since passed and Defendant has failed to respond to the Complaint or otherwise appear, entry of default against Defendant, PATRICK T. BRITTON-HARR, is appropriate. Fed. R. Civ. P. 12 (a)(1)(A)(i).

WHEREFORE, the Plaintiff, Prime Aircraft & Aviation, LLC, respectfully requests that the Clerk entered a default against the Defendant, PATRICK T. BRITTON-HARR in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for failure to file or serve any paper or otherwise appear in this action, as required by law.

Dated this 16<sup>th</sup> day of November 2023.

Respectfully submitted,

s/Craig E. Brown

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**ATTORNEYS FOR THE PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 15<sup>th</sup> day of November, 2023, a true and correct copy of the foregoing was electronically served on the participants in the CM/ECF system in the above case.

Further, I caused a true and correct copy of the above and foregoing document to be placed in the United States Mail in Oklahoma City, Oklahoma, with correct postage thereon prepaid addressed to:

Patrick T. Britton- Harr  
32 Cornhill St.  
Annapolis, MD 21401-1706

/s/ Craig E. Brown  
Craig E. Brown